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Attorneys for Defendant and
Counter-Claimant
SPORT DIMENSION, INC. and KURT
RIOS

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

TECH-4-KIDS, INC.

Plaintiff,

vs.

SPORT DIMENSION, INC. and
KURT RIOS

Defendants.

CASE NO. 2:12-cv-06769-PA-AJW

Honorable Percy Anderson

**DECLARATION OF SARAH S.
BROOKS IN SUPPORT OF
DEFENDANT'S OPPOSITION TO
PLAINTIFF'S MOTION FOR
SUMMARY JUDGMENT**

Hearing Date: June 3, 2013

Time: 1:30 p.m.

Courtroom: 15

SPORT DIMENSION, INC.,

Counter-Claimant,

vs.

TECH-4-KIDS, Inc.,

Counter-Defendant.

Initial Complaint Filed:
December 6, 2011

First Amended Complaint Filed:
August 17, 2012

Second Amended Complaint Filed:
March 4, 2013

Trial: August 6, 2013

[EXHIBITS FILED UNDER SEAL]

1 I, Sarah S. Brooks, declare:

2 1. I am an attorney duly licensed to practice law before the courts of the
3 State of California. I am an associate at Stradling Yocca Carlson & Rauth,
4 attorneys of record for Defendants Sport Dimension Inc. ("Sport Dimension" or
5 "Defendant"), and Kurt Rios ("Rios" and referred to collectively as "Defendants").
6 I submit this declaration in support of Defendant's Opposition to Plaintiff's Motion
7 for Summary Judgment. I have personal knowledge as to all matters set forth
8 herein, and if called to testify as a witness, I could and would do so.

9 2. Attached hereto as Exhibit 1 is a true and correct copy of certain
10 pages excerpted from the transcript of the deposition of Brad Pedersen taken on
11 February 27, 2013.

12 3. Attached hereto as Exhibit 2 is a true and correct copy of certain
13 pages excerpted from the transcript of the deposition of T4K's North American
14 sales manager, Evert Weenink, taken on March 21, 2013.

15 4. Attached hereto as Exhibit 3 is a true and correct copy of certain
16 pages excerpted from the transcript of the deposition of T4K's independent sales
17 representative, Gary Smick, taken on April 5, 2013.

18 5. Attached hereto as Exhibit 4 is a true and correct copy of certain
19 pages excerpted from the transcript of the deposition of Sport Dimension's
20 President, Kurt Rios, taken on March 21, 2013.

21 6. Attached hereto as Exhibit 5 is a true and correct copy of certain
22 pages excerpted from the transcript of the deposition of Sport Dimension's Vice-
23 President of Sales, Todd Richards, taken on February 20, 2013.

24 7. I am personally aware that the First Amended Complaint ("FAC") in
25 this action was filed on August 17, 2012. I am personally aware that the Second
26 Amended Complaint ("SAC") in this action was filed on March 4, 2013. At my
27 direction and control, the word processing department of my firm converted the
28 SAC and FAC, which were previously in .PDF document format, to Microsoft

1 Word documents. A blackline was then created which compared the changes made
2 in the SAC to the FAC. A true and correct copy of the blackline created at my
3 direction and control is attached hereto as Exhibit 6.

4 8. The FAC asserted three claims (fraud, intentional interference with
5 prospective economic advantage, and misappropriation of trade secrets) against
6 Sport Dimension only. The SAC added a second fraud claim, a breach of contract
7 claim, a promissory estoppel claim, and a claim for breach of the implied covenant
8 of good faith, and added Kurt Rios as a defendant on the fraud claims.

9 9. Attached hereto as Exhibit 7 is a true and correct copy of the Expert
10 report of Thomas Neches which has been marked Highly Confidential Attorneys'
11 Eyes Only.

12 10. Attached hereto as Exhibit 8 is a true and correct copy of a document
13 that has been produced in this litigation and bates labeled SDI 001235-SDI
14 001237.

15 11. Attached hereto as Exhibit 9 is a true and correct copy of a document
16 that has been produced in this litigation and bates labeled SDI 001222-SDI
17 001230.

18 12. Attached hereto as Exhibit 10 is a true and correct copy of a document
19 that has been produced in this litigation and bates labeled SDI 001203-SDI
20 001221.

21 13. Attached hereto as Exhibit 11 is a true and correct copy of a document
22 that has been produced in this litigation and bates labeled SDI 001251.

23 14. Attached hereto as Exhibit 12 is a true and correct copy of a document
24 that has been produced in this litigation and bates labeled SDI 001195.

25 15. Attached hereto as Exhibit 13 is a true and correct copy of a document
26 that has been produced in this litigation and bates labeled T4KP000004-5.

27

28

1 16. Attached hereto as Exhibit 14 is a true and correct copy of a document
2 that has been produced in this litigation and bates labeled SDI 015723-SDI
3 015726.

4 17. Attached hereto as Exhibit 15 is a true and correct copy of a document
5 that has been produced in this litigation and bates labeled SDI 001248-SDI
6 001250.

7 18. Attached hereto as Exhibit 16 is a true and correct copy of a document
8 that has been produced in this litigation and bates labeled T4KP000613-
9 T4KP000616.

10 19. Attached hereto as Exhibit 17 is a true and correct copy of a document
11 that has been produced in this litigation and bates labeled T4KP001234-
12 T4KP0001236.

13 20. Attached hereto as Exhibit 18 is a true and correct copy of a document
14 that has been produced in this litigation and bates labeled T4KP002111.

15 21. Attached hereto as Exhibit 19 is a true and correct copy of a document
16 that has been produced in this litigation and bates labeled SDI 015734.

17 22. Attached hereto as Exhibit 20 is a true and correct copy of a document
18 that has been produced in this litigation and bates labeled T4KP002080.

19 23. Attached hereto as Exhibit 21 is a true and correct copy of Sport
20 Dimension, Inc.'s Responses to Tech-4-Kids, Inc.'s Second Set of Interrogatories,
21 dated February 6, 2013.

22 24. Attached hereto as Exhibit 22 is a true and correct copy of a document
23 that has been produced in this litigation and bates labeled T4KP-SMICK000001-
24 T4KP-SMICK000002.

25 25. Attached hereto as Exhibit 23 is a true and correct copy of a document
26 that has been produced in this litigation and bates labeled T4KP000667-
27 T4KP000671.

28

1 26. Attached hereto as Exhibit 24 is a true and correct copy of a document
2 that has been produced in this litigation and bates labeled SDI 001132-SDI
3 001135.

4 27. Attached hereto as Exhibit 25 is a true and correct copy of a document
5 that has been produced in this litigation and bates labeled SDI 001142-SDI
6 001143.

7 28. Attached hereto as Exhibit 26 is a true and correct copy of a document
8 that has been produced in this litigation and bates labeled SDI 00264-SDI 000267.

9 29. Attached hereto as Exhibit 27 is a true and correct copy of a document
10 that has been produced in this litigation and bates labeled SDI 001226.

11 30. Attached hereto as Exhibit 28 is a true and correct copy of certain
12 pages excerpted from the transcript of the deposition of Joseph Lin taken on March
13 26, 2013.

14 31. Attached hereto as Exhibit 29 is a true and correct copy of a document
15 that has been produced in this litigation and bates labeled SDI 001240-SDI
16 001247.

17 32. Attached hereto as Exhibit 30 is a true and correct copy of certain
18 additional pages excerpted from the transcript of the deposition of Sport
19 Dimension's President, Kurt Rios, taken on March 21, 2013

20
21 I declare under penalty of perjury under the laws of the United States of
22 America, that the foregoing is true and correct.

23
24 DATED: May 13, 2013

By: /s/Sarah S. Brooks
SARAH S. BROOKS